

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIROKAZU KAWAMOTO, ET AL.) : Examiner: V. Rudolph
Appln. No.: 09/839,158) : Group Art Unit: 2625
Filed: April 23, 2001) : Confirmation No. 1598
For: APPARATUS, METHOD, AND)
COMPUTER-READABLE MEDIUM FOR) :
OBTAINING PRINTOUTS IN A)
PLURALITY OF DIFFERENT FORMATS) : November 20, 2008
BY A SINGLE JOB)

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

Applicants wish to thank Examiner Rudolph for the courtesies extended toward their undersigned representative during the telephone conversation of November 7, 2008, in the above-identified application.

In the interview, Applicants' representative summarized the arguments presented in the Request for reconsideration filed October 22, 2008, and asserted that the rejection for obviousness-type double patenting as being unpatentable over claims 1 and 5 of U.S. Patent No. 7,253,911 (Aritomi) in view of U.S. Patent No. 5,481,353 (Hicks et al.) was improper. In particular, Applicants' representative argued that a two-way test for obviousness should have

been used in this case, instead of the one-way test that was actually used. See MPEP § 804, paragraph II.B.1.(b). The two way test is applicable, as the current application is the earlier filed application, the two applications could not have been filed as one because they had different inventors and inventions, and the current application was subject to administrative delay. For example, the extensive time between the filing of the application on April 23, 2001, and the first action on the merits of the application on June 27, 2005, is evidence of administrative delay. Further, the differences between the claimed features of the present invention and the teachings of claims 1 and 5 of Aritomi and the teachings of Hicks et al. were discussed.

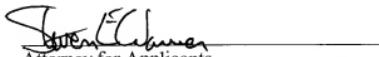
Applicants' representative also asserted that U.S. Patent No. 7,061,632 (Livingston) and U.S. Patent No. 5,481,353 (Hicks et al.) do not teach or suggest many features of Applicants' present invention, as previously recited in independent claims 43, 49, 73, 77, 84, and 85. In particular, Applicants' representative argued that the Livingston fails to teach or suggest a print-out format for single print data in a first mode, and a plurality of different print-out formats for single print data in a second mode, as recited in claims 43 and 49, or a printing apparatus that can output a print data part included in the print job in a first output format and a second output format, as recited in claims 73, 77, 84, and 85. Instead, Livingston teaches that multiple print jobs are created for documents to be printed and are sent to various printers. Finally, Applicants' representative asserted that Hicks et al. does not teach or suggest how output print jobs are structured and, therefore, does not teach or suggest at least the feature of the print control command for enabling the printing apparatus to execute multiple printing operations with at least first and second formats from the print data part, as recited in independent claims 43, 49, 73, 77, 84, and 85.

The Examiner tentatively indicated that the claims, as presented, patentably define the invention over the cited art. The Examiner, however, indicated that she would conduct a further search and send an interview summary form to us. Thus, Applicants' representative argued that the Livingston and Hicks et al. patents fails to teach or suggest many features of the present invention, as recited in independent claims 43, 49, 73, 77, 84, and 85.

Applicants submit that the instant application is in condition for allowance. Applicants, therefore, request favorable reconsideration and an early passage to issue.

Applicants' undersigned representative may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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